

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1448 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No.

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ARJUNBHAI SINGABHAI DAMOR

Versus

PRESIDENT MODASA NAGARPALIKA

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Appearance:

MR JV JAPPEE for Petitioner  
MR RAVI R TRIPATHI for Respondent No. 1  
MR BY MANKAD, AGP , for Respondent No. 2  
MR KV SHELAT for Respondent No. 3

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 30/04/98

ORAL JUDGEMENT

Rule. Mr. RR Tripathi, learned Advocate for respondent No.1, Mr. BY Mankad, learned AGP for respondent No.2 and Mr KV Shelat, learned Advocate for respondent No.3, waive service on behalf of the respective respondents. At the request of the learned Advocates, this petition is taken up for final hearing

to-day.

In compliance with the order passed by this Court on 2-3-98, respondent No.2-Collector, Sabarkantha at Himatnagar has produced the copy of the order dated 28-1-1998 passed against the petitioner. Reading the said order, it appears that the petitioner is not heard. One more point which is also required to be mentioned is that this Court in Special Civil Application No. 9234/97 on 23-12-97 has clearly directed respondent No.2-Collector to decide the appeal of respondent No.3 within a period of two months from the date of the receipt of the order after hearing all the parties to the appeal and the petitioner. As stated above, since the petitioner has not been joined in the said proceeding, he was not heard, therefore, the order dated 28-1-1998 produced to-day is required to be quashed and set aside.

In the result, this petition is allowed. The matter is remanded to respondent No.2-Collector with a direction to hear the petitioner as well as the concerned parties and to pass appropriate order afresh in accordance with law as expeditiously as possible and preferably within four months from the date of receipt of this order. Rule is made absolute to the aforesaid extent with no order as to costs.

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